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PLAINTIFF'S RESPONSE TO DEFENDANT

1 JOSEPH MEZZONI #68549
 2 HIGH DESERT STATE PRISON
 3 PO BOX 650
 4 INDIAN SPRINGS, NV. 89070

FILED	ENTERED	RECEIVED SERVED ON
COUNSEL/PARTIES OF RECORD		
APR 21 2017		
No. 604 CLERK US DISTRICT COURT DISTRICT OF NEVADA		
BY: <i>[Signature]</i> DEPUTY		

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

9 JOSEPH MEZZONI
 10 Plaintiff

CASE# 3:15-cv-00499-MMD-WGC

11
 12 VS.
 13
 14 STATE OF NEVADA et al.
 15 Defendants

PLAINTIFF'S RESPONSE TO DEFENDANT
BRANNON'S RESPONSE TO PLAINTIFF'S
REQUEST FOR PRODUCTION OF
DOCUMENTS [SET ONE] / PLAINTIFF'S
2ND REQUEST FOR DISCOVERY

17 Comes Now, the Plaintiff Joseph Mizzoni #68549 in PRO-SE
 18 Respectfully request to respond to Defendants by the above Response
 19 title on his 1983 Civil Rights Complaint PURSUANT TO 42 USC §1983,
 20

21 See; Haines v. Kerner, 404 U.S. 519 (1972) (Allegations of a pro-se complaint
 22 are held to less stringent standards than formal pleadings drafted by
 23 lawyers.).

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I.STATEMENT OF FACTS IN SUPPORT OF RESPONSE

1. (FACT 1) Plaintiff filed his "REQUEST TO DEFENDANTS FOR
 2. DISCOVERY CONFERENCE UNDER FRCP 37(a)(1) LETTER"; on the
 3. 21st day of March 2017.
 4.
5. (FACT 2) Defendants responded by "DEFENDANT BRANNON'S
 6. RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION
 7. OF DOCUMENTS [set one], on the 11th day of April, 2017, and
 8. they state on PAGE 2 LINES 15-25, that under CASE # 3:15-cv-00313-
 9. MMD-MPC under MOTION 313: DEF EXH G-001 is a copy of disciplinary
 10. hearing audio from plaintiff's disciplinary hearing on May 1, 2013 for
 11. OIC 390034, has been available to plaintiff to listen to and take
 12. notes. Plaintiff is aware of that case and contents which are
 13. identical to this case, but plaintiff request a separate discovery
 14. materials in case "any or all" goes to a Jury trial for this case
 15. and not the other.
- 16.
17. (FACT 3) Defendants responded on (PAGE 3 LINE 13-18) that Plaintiff is
 18. a inmate and Defendant is a prison official; and (2) the request has
 19. only slight or marginal relevance to plaintiff's claims. This is plaintiff's
 20. REQUEST NO 2: VIDEO inside and outside Units 5-8-4-7 at NNCC
 21. Prison in Carson City NV. the night of Monday, March 28, 2015 At times
 22. from 8PM to 930PM, of whole incident from start to finish. Plaintiff
 23. wants the Video for punishing him before a Due Processes Disciplinary
 24. Hearing by dragging and assaulting him from Unit 5 to Unit 8 by
 25. 14 officers including CO Server John Hill who orchestrated the drag by
 26. stating "Forwards or Backwards" then grabbing plaintiff and putting him
 27. in a Choke Hold and dragging Plaintiff in front outside of Unit 5 at
 28. NNCC.

STATEMENT OF FACTS IN SUPPORT OF RESPONSE (continued)

1 Also to show where all COs where abouts coming and going
 2 from all Units 4-5-8-7 and times there of because of policies
 3 and procedures used on this day. Also John Hill Senior CO
 4 was the Preliminary Officer for Plaintiff Disciplinary Case of
 5 Thirston on 3-28-15 and Referred Plaintiff to Disciplinary Hearing
 6 for 5-1-15 "This one". He was not impartial nor was Branson CO
 7 LT. Because he allowed CO Hill to do the Preliminary and
 8 his referral to LT Branson knowing "Hill" was not impartial
 9 and pushed plaintiff prior to the 5-1-15 Disciplinary Hearing
 10 the night of 3-28-15 as said, which he should of
 11 dismissed plaintiffs D/S but instead took the recommendation
 12 of John Hill, so plaintiff wants to see and show the
 13 Court and a Jury this material Facts. IT IS VERY RELEVANT
 14 and by United States Courts Plaintiff has a right to view
 15 the video in a disclosed place through the Warden at
 16 High Desert State Prison. See; B. Nature of Case Plaintiff request
 17 video on (PAGE 3 LINE 6), and (PAGE 3 LINE 11) Punishment on the
 18 spot. And (PAGE 3A LINE 1-5) See; C. CAUSE of Action (PAGE 4 to
 19 4A LINE 1-17), and (PAGE 4D LINE 10-12) Evidence. Plaintiff should
 20 be allowed all evidence, and video.
 21

22 (FACT 4.) Defendants responded on (PAGE 3 LINE 19-23) stating that
 23 plaintiff can view photographs of injuries taken by Robertson on
 24 March 28, 2015 through CASE # 3:15-cv-00313-MMD-VPC - MEZZONE E 313:
 25 DEF EXH E-001-D16 and once again plaintiff is aware of it and contents
 26 which are Identical to this case, but plaintiff request a separate discovery
 27 materials in case; "any and all" go to a Jury trial for this CASE and not
 28 the other.

E.STATEMENT OF FACTS IN SUPPORT OF RESPONSE

(continued)

1 (FACT 5.) Defendants responded on (PAGE 4 LINE 1-6) state plaintiff
 2 ~~must~~ request for evidentiary hearing on 5-1-15 and any inmate grievances
 3 or other reports for 3-28-15. Same response plaintiff can receive through
 4 Case # 3:15-cv-00313-MMD-VPC-MIZZONI 313: DEF EXH L 001-025
 5 at the Warden's Office, but Plaintiff request once again to separate
 6 this case Discovery with the other case in case of a separate
 7 trial for Jury to see ect.
 8

9 (FACT 6.) Defendants responded on (PAGE 5 LINE 1-3) state under Case
 10 # 3:15-cv-00313-MMD-VPC-MIZZONI 313 DEF EXH C-001-010 investigating
 11 Reports can be seen by Warden at High Desert State Prison but plaintiff
 12 request once again to separate Discovery material from this case
 13 to that one in case plaintiff has separate trial by Jury.
 14

15 (FACT 7.) All request "must" be separated Discovery Material from
 16 Case # 3:15-cv-00499-MMD-WGC to Case # 3:15-cv-00313-MMD-VPC
 17 even though each is the exact related material, in case of
 18 separate trials of a Jury, or if plaintiff has to appeal to 9th Cir
 19 he must have a separate record of Discovery Material for them
 20 to see and it may not be appealed at the same time.

21 Also if plaintiff can not receive this material he will get a
 22 request by Court Order, Plaintiff tries to get it without one now. It's
 23 all relevant to his case to prove and show a pattern of conduct,
 24 and explain better by the evidence to the court and Jury trial.
 25

26 RESPECTFULLY SUBMITTED

27 this 18th, day of April, 2017

-4-

BY: Joseph M. Malone

Joseph M. Malone #08549

II

AFFIDAVIT OF JOSEPH MIZZONI #68549 IN PROSE

1 STATE OF NEVADA)

2 ; SS

3 COUNTY OF CLARK)

4

5 (1) Plaintiff swears in support of the 7TH Discovery Request Letter duly
6 and says;

7

8 (2) Plaintiff in PROSE Joseph Mizzone #68549 in Support of the
9 Affidavit here for "PLAINTIFF'S RESPONSE TO DEFENDANT BRANNON'S
10 RESPONSE TO PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS
11 [set one] / PLAINTIFF'S 2ND REQUEST FOR DISCOVERY" on his §1983
12 Civil Rights Complaint PURSUANT TO 42 USC §1983 IN THE UNITED
13 STATES DISTRICT COURT DISTRICT OF NEVADA, and he does so
14 in his truth under Affidavit. See; §1746 USC AND NV Laws under
15 penalty and perjury.

16

17

18 RESPECTFULLY SUBMITTED

19 this 18th day of April 2017

20

21 BY: Joseph Mizzone

22

23

24 Joseph Mizzone

25 #68549

CERTIFICATE OF SERVICE OF U.S. MAIL

I, Joseph Mezzoni #68549 hereby certifies pursuant to
 28 USC §1746 that on the day of April 18, 2017, I marked a
 true correct copy of the foregoing 1st NO Letter, " PLAINTIFF'S RESPONSE TO
DEFENDANT BRANNON'S RESPONSE TO PLAINTIFF'S REQUEST FOR
PRODUCTION OF DOCUMENTS [SETONE] / PLAINTIFF'S 2nd REQUEST
FOR DISCOVERY" by giving same to a prison official at High Desert State
Person to deposit in U.S. MAIL BLASS SLEP #1668260 sealed and postage
prepared and addressed to:

(1) CLERK, U.S. DISTRICT COURT

DISTRICT OF NEVADA

400 South Virginia Street, Room #301

RENO, NEVADA 89501

(2) OFFICE OF ATTORNEY GEN/NEV.

MS. ERIN L. ALBRECHT

100 N. CARSON STREET

CARSON CITY, NV. 89701-4717

(3) PLAINTIFF'S ADDRESS

JOSEPH MEZZONI #68549

H.D.S.P.

PO BOX 650

INDIAN SPRINGS, NV 89070

BY: Joseph Mezzoni

JOSEPH MEZZONI
 #68549